

Case 3:10-cv-01393-JAP -TJB Document 60 Filed 10/08/10 Page 1 of 1 PageID: 906

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October 8, 2010

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KEITH G. VON GLAHN (1952-2007)

VIA ELECTRONIC FILING

Hon. Tonianne J. Bongiovanni, U.S.M.J.
 Clarkson S. Fisher Federal Bldg. & Courthouse
 Room 6052
 402 E. State Street
 Trenton, New Jersey 08608

OCT 12 2010
 AT 8:30
 WILLIAM T. WALSH M
 CLERK

**Re: E. Allen Reeves, Inc. v. Michael Graves & Associates, Inc., et al
 Civil Action No. 3:10-cv-1393-JAP-TJB
 Our File No. 01593.00361**

Dear Judge Bongiovanni:

At Your Honor's direction, on behalf of Third Party Defendant Fisher Marantz Stone, please be advised that we wish to proceed with the motion originally filed on September 8, 2010 under docket item number 45. It is our understanding that it is not necessary for us to "refile" our September 8, 2010 filed motion papers, but rather the submittance of this correspondence is sufficient in that regard. Should we be mistaken in this understanding, we would be happy to comply with the Court's further direction.

Very truly yours,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

s/Joanna Piorek
 Joanna Piorek

JP/cz

cc: Clerk, U.S. District Court (Via E-Filing)
 Counsel of Record (Via E-Filing)

*The Motion to Dismiss
 (docket entry No 45) is
 deemed ref'd and
 returnable November 15, 2010.*

1060238.1

So Ordered this 12 day
 of October, 2010
[Signature]

ORDER ON ORAL MOTION